

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

KRISTIN DIANE SOHN
3020 Blue Grouse Drive
Reno, NV 89509

Case No. 2012-257

Registered Nurse License No. 547125
Nurse Practitioner Certificate No. 13107
Nurse practitioner Furnishing Certificate No. 13107

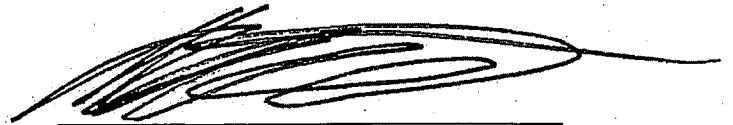
Respondent

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **July 17, 2012.**

IT IS SO ORDERED **July 17, 2012.**



Erin Niemela
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
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Supervising Deputy Attorney General
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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
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14 **Registered Nurse License No. 547125**
Nurse Practitioner Certificate No. 13107
15 **Nurse Practitioner Furnishing Certificate**
No. 13107

STIPULATED SURRENDER OF
LICENSE AND ORDER

16 Respondent.

17
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19 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
20 proceeding that the following matters are true:

21 PARTIES

22 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Interim Executive Officer of the
23 Board of Registered Nursing. She brought this action solely in her official capacity and is
24 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by
25 Diann Sokoloff, Supervising Deputy Attorney General.

26 2. Kristin Diane Sohn (Respondent) is represented in this proceeding by attorney Alice
27 Campos Mercado, whose address is 6005 Plumas Street, 3rd Floor Reno, NV 89519.
28

3. On or about August 21, 1998, the Board of Registered Nursing issued Registered Nurse License No. 547125 to Kristin Diane Sohn (Respondent). The Registered Nurse License expired on April 30, 2008, and has not been renewed.

4. On or about January 2, 2002, the Board of Registered Nursing issued Nurse Practitioner Certificate No. 13107 to Kristin Diane Sohn (Respondent). The Nurse Practitioner Certificate expired on April 30, 2008, and has not been renewed.

5. On or about April 9, 2003, the Board of Registered Nursing issued Nurse Practitioner Furnishing Certificate No. 13107 to Kristin Diane Sohn (Respondent). The Nurse Practitioner Furnishing Certificate expired on April 30, 2008, and has not been renewed.

JURISDICTION

6. Accusation No. 2012-257 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on October 26, 2011. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2012-257 is attached as exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

7. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 2012-257. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.

8. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

9. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

10. Respondent admits the truth of each and every charge and allegation in Accusation No. 2012-257, agrees that cause exists for discipline and hereby surrenders her Registered Nurse License No. 547125, Nurse Practitioner Certificate No. 13107, and Nurse Practitioner Furnishing Certificate No. 13107, for the Board's formal acceptance.

11. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Registered Nurse License without further process.

CONTINGENCY

12. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

13. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

14. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order

1 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
2 executed by an authorized representative of each of the parties.

3 15. In consideration of the foregoing admissions and stipulations, the parties agree that
4 the Board may, without further notice or formal proceeding, issue and enter the following Order:

5 **ORDER**

6 IT IS HEREBY ORDERED that Registered Nurse License No. 547125, Nurse Practitioner
7 Certificate No. 13107, and Nurse Practitioner Furnishing Certificate No. 13107 issued to
8 Respondent Kristin Diane Sohn, are surrendered and accepted by the Board of Registered
9 Nursing.

10 1. The surrender of Respondent's Registered Nurse License, Nurse Practitioner
11 Certificate, and Nurse Practitioner Furnishing Certificate and the acceptance of the surrendered
12 licenses by the Board shall constitute the imposition of discipline against Respondent. This
13 stipulation constitutes a record of the discipline and shall become a part of Respondent's license
14 history with the Board of Registered Nursing.

15 2. Respondent shall lose all rights and privileges as a registered nurse in California as of
16 the effective date of the Board's Decision and Order.

17 3. Respondent shall cause to be delivered to the Board her Registered Nurse License,
18 Nurse Practitioner Certificate, and Nurse Practitioner Furnishing Certificate pocket licenses and,
19 if one was issued, her wall certificates on or before the effective date of the Decision and Order.

20 4. If Respondent ever files an application for licensure or a petition for reinstatement in
21 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
22 comply with all the laws, regulations and procedures for reinstatement of a revoked license in
23 effect at the time the petition is filed, and all of the charges and allegations contained in
24 Accusation No. 2012-257 shall be deemed to be true, correct and admitted by Respondent when
25 the Board determines whether to grant or deny the petition.

26 5. If and when Respondent's license is reinstated, she shall pay to the Board costs
27 associated with its investigation and enforcement pursuant to Business and Professions Code
28 section 125.3 in the amount of \$877.50. Respondent shall be permitted to pay these costs in a

1 payment plan approved by the Board. Nothing in this provision shall be construed to prohibit the
2 Board from reducing the amount of cost recovery upon reinstatement of the license. 5.1. If
3 Respondent should ever apply or reapply for a new license or certification, or petition for
4 reinstatement of a license, by any other health care licensing agency in the State of California, all
5 of the charges and allegations contained in Accusation, No. 2012-257 shall be deemed to be true,
6 correct, and admitted by Respondent for the purpose of any Statement of Issues or any other
7 proceeding seeking to deny or restrict licensure.

8 6. Respondent shall not apply for licensure or petition for reinstatement for two (2)
9 years from the effective date of the Board of Registered Nursing's Decision and Order.

10 ACCEPTANCE

11 I have carefully read the above Stipulated Surrender of License and Order and have fully
12 discussed it with my attorney, Alice Campos Mercado. I understand the stipulation and the effect
13 it will have on my Registered Nurse License, Nurse Practitioner Certificate, and Nurse
14 Practitioner Furnishing Certificate. I enter into this Stipulated Surrender of License and Order
15 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
16 Board of Registered Nursing.

17
18 DATED: 4/9/12

Kristin Diane Sohn
KRISTIN DIANE SOHN
Respondent

21 I have read and fully discussed with Respondent Kristin Diane Sohn the terms and
22 conditions and other matters contained in this Stipulated Surrender of License and Order. I
23 approve its form and content.

24 DATED: April 9, 2012

Alice Campos Mercado
ALICE CAMPOS MERCADO
Attorney for Respondent

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28 ///


ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

Dated: May 2, 2012

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
ALFREDO TERRAZAS
Senior Assistant Attorney General


DIANN SOKOLOFF
Supervising Deputy Attorney General
Attorneys for Complainant

SF2011202337
Stipulation.rtf

Exhibit A

Accusation No. 2012-257

1 KAMALA D. HARRIS
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2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 SUSANA A. GONZALES
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7 Attorneys for Complainant

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3020 Blue Grouse Drive
13 Reno, NV 89509
Registered Nurse License No. 547125
14 Nurse Practitioner Certificate No. 13107
Nurse Practitioner Furnishing Certificate
15 No. 13107

ACCUSATION

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about August 21, 1998, the Board of Registered Nursing issued Registered
24 Nurse License Number 547125 to Kristin Diane Sohn (Respondent). The Registered Nurse
25 License expired on April 30, 2008, and has not been renewed.
26
27
28

3. On or about January 2, 2002, the Board of Registered Nursing issued Nurse Practitioner Certificate Number 13107 to Kristin Diane Sohn (Respondent). The Nurse Practitioner Certificate expired on April 30, 2008, and has not been renewed.

4. On or about April 9, 2003, the Board of Registered Nursing issued Nurse Practitioner Furnishing Certificate Number 13107 to Kristin Diane Sohn (Respondent). The Nurse Practitioner Furnishing Certificate expired on April 30, 2008, and has not been renewed.

JURISDICTION

5. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

6. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

7. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b), of the Code, the Board may renew an expired license at any time within eight years after the expiration.

8. Section 118, subdivision (b), of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

STATUTORY PROVISIONS

9. Section 2761 of the Code states:

“The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

1 “(a) Unprofessional conduct, which includes, but is not limited to, the following:

2 ...

3 “(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action
4 against a health care professional license or certificate by another state or territory of the United
5 States, by any other government agency, or by another California health care professional
6 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that
7 action.”

8 COST RECOVERY

9 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
10 administrative law judge to direct a licentiate found to have committed a violation or violations of
11 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
12 enforcement of the case.

13 CAUSE FOR DISCIPLINE

14 (Unprofessional Conduct – Out of State Discipline)
15 (Bus. & Prof. Code § 2761, subd. (a)(4))

16 11. Respondent has subjected her registered nurse license to disciplinary action under
17 Code section 2761, subdivision (a)(4), in that on or about September 21, 2006, in a disciplinary
18 action before the Nevada State Board of Nursing (Nevada Board), Case No. 0805-06C, the
19 Nevada Board entered an Agreement for Probation (Agreement), ordering that Respondent's
20 Nevada professional nurse license be revoked, however the revocation was stayed and her
21 license was placed on probation for a minimum of five years under various terms and
22 conditions. The terms and conditions of Respondent's probation required her to: (1) have her
23 license marked "restricted" throughout the probationary period; (2) notify the Nevada Board, in
24 writing, prior to any change of address; (3) abstain from the use of alcohol and all mood-altering
25 and controlled substances except when absolutely required for documented medical treatment;
26 (4) provide evidence of admission to a Nevada Board-approved Chemical Dependency Program
27 within 10 working days of signing the Agreement; (5) participate in a Nevada Board-approved
28 aftercare program for a minimum of 1 year; (6) have a Nevada Board-approved substance abuse

1 counselor, or other state licensed counselor who is associated with her after care program, submit
2 quarterly progress reports to the Nevada Board and identify at the completion of one year of the
3 aftercare program whether Respondent needs to continue in aftercare or other counseling;
4 (7) attend a minimum of two Alcoholics Anonymous (AA) or Narcotics Anonymous (NA)
5 meetings per week throughout probation and submit documentation of all meetings attended to
6 the Nevada Board on a quarterly basis; (8) cause her AA or NA sponsor to submit quarterly
7 reports addressing Respondent's progress in recovery; (9) attend weekly meetings of a Board-
8 approved Nurse Support Group and submit documentation of all meetings attended to the Nevada
9 Board on a quarterly basis; (10) at the request of her counselor, supervisor, or a representative of
10 the Nevada Board, submit to random urine, blood, or other tests for drugs of abuse or alcohol, or
11 both; (11) during the first year of the Agreement, attend a minimum of 1 meeting of the Nevada
12 Board during which disciplinary hearings are held; (12) obtain approval from the Nevada Board
13 for all employment sites requiring a nursing license or certificate prior to commencing work;
14 (13) notify the Nevada Board in writing within 72 hours after commencement or termination of
15 any nursing employment; (14) be employed in a setting in which direction is provided by a
16 Registered Nurse; (15) not function as a supervisor, including as a head nurse for a charge nurse,
17 for a minimum of 1 year; (16) not have access to controlled substances during her employment as
18 a licensed nurse for a minimum of 1 year and until specifically authorized by the Compliance
19 Coordinator or the Disability Advisory Committee, or both; (17) work no more than 90 hours in
20 nursing in a 2 week period; (18) provide a copy of the Agreement to her employer and immediate
21 supervisor prior to commencement of work; (19) cause her nursing supervisor to submit a written
22 report to the Nevada Board prior to Respondent commencing employment, and submit monthly
23 written reports thereafter; (20) submit monthly written self reports; (21) meet with the Nevada
24 Board or its representatives upon request and cooperate with representatives of the Nevada Board
25 in their supervision and investigation of Respondent's compliance with the terms and conditions
26 of the Agreement; (22) provide a copy of the Agreement to any other state Board of Nursing in
27 whose jurisdiction Respondent has been issued a nursing license or certificate, whether current or
28 not, and to any other regulatory agency in whose jurisdiction she has applied or will apply for a

1 license or certificate; and (23) obey all laws and report any violations to the Nevada Board in
2 writing within 72 hours.

3 12. The underlying conduct supporting the Nevada Board's disciplinary action is that on
4 or about July 27, 2006, Respondent demonstrated slurred speech while on duty and stated that she
5 began drinking again. Respondent admitted that she was addicted to alcohol or controlled
6 substances, or both.

7 PRAYER

8 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
9 Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

10 1. Revoking or suspending Registered Nurse License Number 547125, issued to Kristin
11 Diane Sohn;

12 2. Revoking or suspending Nurse Practitioner Certificate Number 13107, issued to
13 Kristin Diane Sohn;

14 3. Revoking or suspending Nurse Practitioner Furnishing Certificate Number 13107,
15 issued to Kristin Diane Sohn;

16 4. Ordering Kristin Diane Sohn to pay the Board of Registered Nursing the reasonable
17 costs of the investigation and enforcement of this case, pursuant to Business and Professions
18 Code section 125.3;

19 5. Taking such other and further action as deemed necessary and proper.
20
21

22 DATED: October 24, 2011

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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